

REMARKS

Claims 1-6 are currently pending. In the Office Action mailed September 10, 2007, claims 1-6 were rejected on the following grounds. Specifically, claims 1 to 3 were rejected as obvious under 35 U.S.C. § 103 in view of U.S. Publication No. 2002/0142195 Ehara et al. ("Ehara") and U.S. Publication No. 2003/0180582 to Masumoto et al. ("Masumoto"). Claims 4 to 6 were rejected as obvious under 35 U.S.C. § 103 in view of Ehara et al. and Masumoto et al. and further in view of U.S. Publication No. 2003/0124420 (Fong et al.). In the Advisory Action mailed February 4, 2008, claims 1-6 were again rejected on the same grounds. In response, claim 1, the only independent claim, is amended to further distinguish claim 1 (dependent claims 2-6) over the cited prior art. Claim 1 now recites a battery comprising:

a battery cell;

a circuit base board which is connected to terminals in the battery cell electrically via connection members; a heat protecting element, disposed in the connecting members, in which electric resistance increases according to an increase in a temperature therein; and a heat-insulating resin mold section which covers and fixes the circuit base board, the connecting members, and the heat protecting element to the battery cell, wherein the heat protecting element is spaced from a surface of the battery cell said space being filled with a resin of the resin mold section.

Claims 1-6 are now clearly patentable over the cited prior art inasmuch as they now require "a heat-insulating resin . . ." As disclosed one aim of Applicant's disclosed invention is to prevent heat generated in a heat protecting element from being absorbed by a battery cell. This is accomplished at least in part by using a heat-insulating resin. The prior art fails to disclose this claimed aspect. Ehara, on the other teaches the reverse effect, namely a resin having good thermal conductivity. Specifically, Ebara discloses, in paragraph [0034], "a positive temperature coefficient (PTC) element 15 is bonded by a resin 17 having a good thermal

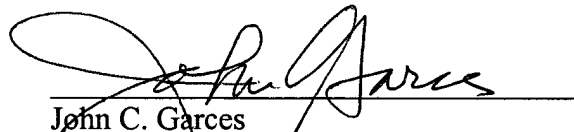
conductivity to the outside face of the lid 9 on the right of the positive terminal 13 as viewed in FIG. 3." Thus, Ehara cannot be combined with Masumoto to render claims 1-3 obvious. As for claims 4 to 6, Fong is also unavailing in rendering any pending claim obvious.

The prior art fails to disclose, suggest or make obvious a claimed battery having the superior effect of a heat insulation element to be activated reliably due to heat insulation provided by the resin mold filled between the heat insulation element and the battery cell. Accordingly, the claims as amended are patentable over the cited prior art.

The Examiner is urged to telephone Applicant's undersigned counsel at the number noted below if it will advance the prosecution of this application, or with any suggestion to resolve any condition that would impede allowance. In the event that any extension of time is required, Applicant petitions for that extension of time required to make this response timely. Kindly charge any additional fee, or credit any surplus, to Deposit Account No. 50-0675, Order No. 848075-0055.

Respectfully submitted,

Date: March 10, 2008
New York, New York



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CERTIFICATE OF MAILING

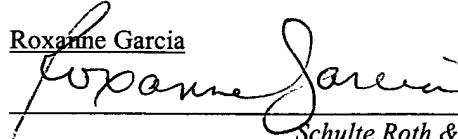
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I hereby certify under 37 C.F.R. 1.8 that this correspondence and enumerated documents are being deposited with the United States Postal Service as First Class Mail with sufficient postage on the date indicated above and is addressed to the Mail Stop -RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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